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U.S District Court  
Northern District of Illinois  
Eastern Division

**FILED**

JUL 18 2023 EW

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

USA	12 CR 723
v.	13 CR 703
Adel Daoud	15 CR 487

Daoud's Sentencing Memorandum with Attached Affidavit/  
Objections to "Government's Factual Basis for Defendant's Plea of  
Guilty Pursuant to North Carolina v. Alford"

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Here comes Adel Daoud, sui juris, respectfully submits his sentencing Memorandum to inform the Court of his arguments for his immediate release, as well as respond to the government's likely arguments to keep him incarcerated. The writer will address Entrapment and Due Process violations.

### Introduction

The FBI claimed to stop Daoud from carrying out his plan to blow up a bar downtown Chicago on 9/14/2012. Then it claimed to save the Undercover Employee with a jailhouse gangster snitch. Then Daoud was charged with attempted murder of another prisoner. The prosecutors offered to drop the second 2 cases if Daoud would plead guilty to Attempted Use of a Weapon of Mass Destruction. After waiting for trial for nearly 7 years, his attorney Thomas Anthony Durkin talks him into doing a plea. Due to Religious reasons, Daoud cannot sign false confessions, and agrees to an Alford plea to maintain his innocence.

The government uses beliefs, books, magazines, and media related to the Religious beliefs of Daoud as proofs for a crime he never committed nor was about to commit. Daoud's legal support for Osama bin Laden, Anwar al Awlaki, Al Qaeda, Taliban, and the Religious doctrine of Jihad has been made the center of a political case, and a justification to keep him incarcerated. Daoud agreed with these groups and figures because he believed that their interpretation of Islam and how to apply Islamic law was the true interpretation of God's Religion.

"The Supreme Court has admonished Federal entities to not sit as arbiters of Religious Orthodoxy."



(See *Martinelli v. Dugger*, 817 F. 2d 1499, 1504 11th Cir. 1987)

The FBI knowingly entrapped Daoud because they did not want him to go to Madinah University at Saudi Arabia, where it would be harder to watch him, and where he wanted to become a scholar to support Islam and those fighting for it in Jihad aka the Mujahideen. They wanted him to get as much time as possible to stop him from "recruiting" young people to believe as he did. It did not matter if he was innocent for this plot, or if they lied about why they arrested him. He said he's a "terrorist" after all.

Daoud was sentenced 2019 to 16 years in prison and 45 years supervised release. In the ~~conditions~~<sup>conditions</sup> of his supervised release he had to take "Extremism" or "Countering Violent Extremism" classes, when they exist. He can get off supervised release earlier than 45 years if he abided by its conditions including not talking to people outside the country, and no longer having "extreme beliefs" or "sympathies to a Foreign Terrorist Organization (FTO)" [See PSR]

Here's a sample of the 2019 Sentencing transcript periodically quoted herein,

"Q Agent Parsons, what's a nasheed?

A A nasheed is a vocal musical piece usually done to Islamic religion to recall history or Islamic events or sometimes Jihadi material."

[See pg. 36 LN 25, pg. 37 LN 1-3, 2019 Sentencing Transcript]

"Q And what is this?

(Whereupon, said video was played in open court)

THE WITNESS: This is another nasheed

BY MR. JONAS:



Q Go ahead

A Nasheed is a video actually produced. It displays a reproduction of a fight between unnamed western forces and it appears to be

--

THE COURT: I can see the video. Proceed.

MR. JONAS: Your, Honor, I'm fast forwarding to 5 minutes and 29 seconds of this video

(Whereupon, said video was played in open court)

THE WITNESS: It has been narrated by the authority of --

THE COURT: Once again, Counsel, how long do I have to listen to this?

MR. JONAS: Your Honor, I just wanted you to see what was written on this video.

THE COURT: I see. Thank you.

[See pg. 41 LN 19-25, pg. 42 LN 1-12, Id]

Before continuing, let me produce what was written on this video, "It has been narrated on the authority of Abu Huraira that the Messenger of Allah (may peace be upon him) said: One who died but did not fight in the way of Allah nor did he express any desire (or determination) for Jihad died the death of a hypocrite. Muslim Book Book 20, Number 4696"

[See 5:29-5:50, Allahu Akbar - Jihad nasheed.mp4]

The Messenger of Allah is the prophet Muhammad, may Allah bless him and grant him peace. "Muslim Book 20, Number 4696" is reference to a Hadith book of what he said and did.

"

Q What's the Book?

A This<sup>6</sup> book is The Book of Jihad

[See Id, pg. 44 LN 15-16]

"Q Can you very briefly just summarize what the book is

A This<sup>4</sup> book generally explains why Jihad is<sup>5</sup> meant to be a violent Jihad or attacking --

MR. DURKIN: Judge. Judge, with all due respect, I'm going to object.

THE COURT: Objection sust<sup>6</sup>ained. I don't need his interpretation of what -- you haven't labeled him an expert in interpreting different works of, of this type."

[See Id, pg. 45]

"This<sup>6</sup> type" of work is religious<sup>6</sup>.

"A So in reference to page 20 of The Book of Jihad, the defendant wrote, I love this ver<sup>4</sup>se. And in reference to page 21 the defendant wrote damn abu bakr

Q And did you look to see in The BOk of Jihad what he was talking about?

A Yes, I did

Q Is there a quote here a ver<sup>4</sup>se -- is there on page 20 is there only one verse?

A Yes there is only one ver<sup>4</sup>se on that page

Q And is that the ver<sup>4</sup>se on the screen?

A Yes it is

MR. JONAS: Your Honor, I won't have him read it, but if you can just -- the title is the punishment of those who don't participate in Jihad

THE COURT: I see it, and I have read it. Thank you.

MR. JONAS: Thank you , Your Honor

[See Id, pg. 46 LN 15-25, pg. 47 LN 1-3]

The verse was from the Quran. Allah says, translated, "Say [O Muhammad], 'If your fathers, your sons, your brothers, your wives, your relatives, wealth which you have obtained, commerce which you fear decline, homes wherein you are pleased, are more beloved to you than Allah, and His Messenger, and Jihad in His Cause then wait until Allah executes His Command. And Allah does not guide the defiantly disobedient <sup>people</sup> ~~people~~.'" [See The Book of Jihad citing the Quran, Surah 9 verse 24]

Prosecutors used these quotations to justify giving Daoud 40 years imprisonment, and lifetime supervision.

**Part 1: The Plan**



### Entrapment and Predisposition - Legal Definition

"... entrapment is a defense to criminal liability when the defendant was not predisposed to commit the charged crime before the intervention of the government's agents and the government's conduct induced him to commit it. The two elements of the defense - lack of predisposition and government inducement - are conceptually (2014 U.S. App. LEXIS 65) related but formally and temporally distinct.

"The predisposition element focuses on the defendant's circumstances before and at the time the government first approached him with a proposal to commit the crime. A defendant is predisposed to commit the charged crime if he was ready and willing to do so and likely would have committed it without the government's intervention, (771 F. 3d 443) or actively wanted to but hadn't yet found the means."

" We know from Sherman and Jacobson that predisposition requires more than a mere desire, urge, or inclination to engage in the charged criminal misconduct. Sherman surely had an inclination or urge to obtain narcotics; he was struggling to overcome an addiction, after all.

Sherman, 356 U.S. at 371.

If the mere urge was enough to make him predisposed to sharing drugs, the outcome of the case would have been different. Similarly, Jacobson may have been predisposed in the sense of having an inclination (2014 U.S. App. LEXIS 46) to view child pornography, but the Supreme Court rejected that understanding of predisposition: ... Furthermore, a person's inclinations and fantasies... are his own and beyond the reach of the government... (771 F. 3d 436) Jacobson, 503 U.S. at 551-52)"



"The entrapment defense guards against government overreach in this context, 'reflect[ing] the view that the proper use of the criminal law in a society such as ours is to prevent harmful conduct for the protection of the law (2014 U.S. App. LEXIS 47) abiding, rather than to purify thoughts and perfect character.' Hollingsworth, 27 F. 3d at 1203. When government agents, 'tempt[ ] [a] person to commit a crime that he would not otherwise have committed, punishing him will not reduce the crime rate; it will merely deflect law enforcement into the sterile channal of causing criminal activity and then prosecuting the same activity.' Manzella, 791 F. 2d at 1269."

"In Sherman the Court asked whther the defenant 'otherwise would... have attempted' the crime absent the government's effort to beguile him, 356 U.S. at 376, and concluded he would not have. The Court ~~used~~ the word 'readiness.'" It was the government's burden 'to prove petitioner had a readiness to sell narcotics at the time [the informant] approached him.' Id at 375."

"Instead a defenant who lacks the means to commit the crime when first approached by the government is nonetheless predisposed if he 'had the idea for the crime all worked out and lacked merely the present means to commit it, and if the government had not supplied [the means] someone else very well might have.' Id at 1203."

"Since then, the Court has said that 'the principal element in the defense of entrapment [i]s the defenant's predisposition to commit the crime' not just any crime. Russell, 411 U.S., at 433."

[Quotes taken from U.S. v. Mayfield, 771 F. 3d 417; 2014 U.S. App. LEXIS 21525 No. 11-2439]

### The FBI and Prosecutors understood Predisposition

" FBI -Chicago captioned group I UCE will be used in efforts to target Adel David, user of email account arabnigga21@yahoo.com subject Full Investigation..."

"Captioned Group I UCO will be used to fully explore David's links to

1. terrorism
2. terrorism financing
3. Other threats to national security

[Redacted...!] Chicago opened captioned Full Field Investigation based on unsolicited information [Redacted...!] that Adel David, believed to be an 18 year old male of Egyptian and Palestinian descent living in the greater Chicago area has stated on web forum [Redacted...!] that he has read an article on bomb making in Inspire Magazine and would make the bomb if he could find the required material<sup>4</sup>."

[See FBI Report, 302\_002-000001.pdf, 5/15/12, Full Investigation 5/10/12]

To be predisposed/guilty Daoud had to be planning the bomb plot he's charged with.

"Online Covert Employees, OCEs were sent , 'to fully assess David's intentions as they pertain to Jihad and martyrdom as well as his association with like minded individual<sup>4</sup>.'" [redacted...] [see Id]

"Communications "between the OCEs and DAOUD has revealed that DAOUD considers himself a terrorist, promotes and encourages others to read Inspire Magazine like him, and states his disgust with the United States<sup>4</sup>. The Investigation has also revealed that



DAOUD has considered various attacks such as setting forest fires, setting fires to homes, or attacking a military installation. However DAOUD has not yet specifically stated his intended plan, but has stated to OCE [Redacted!] <sup>that</sup> ~~that~~ he only trusts a few select individuals to discuss his plan... The first goal is to learn if DAOUD has an actual plan rather than just general targeting... The overall objective is to disrupt DAOUD if he is planning an attack... Coordination is ongoing with the USAO office in the Northern District of Illinois."

[See quotes from FBI Report, 302\_002-000011.pdf, 6/20/12]

The government understood that there is a difference between "general targeting" vs. an "actual plan." Their job, is, as cited, to catch Daoud if he is planning an attack.

"Furthermore, in a response to OCE - [Redacted!]'s planned travel to the United States, on 6/30/2012, DAOUD responded, "I have an idea that's pretty realistic if you come insha'Allah.'... Chicago's intent is to use the cousin developed by OCE - [Redacted!] in an attempt to reveal DAOUD's aforementioned 'realistic idea'" [See in FBI Report, 302\_002-000018.pdf, 7/16/12]

"II. [Redacted!] Mission [Redacted...!] On 07/17/2012, UCE [Redacted!] will meet with ADEL DAOUD following afternoon prayer at approximately 7:00PM to gain additional intelligence on DAOUD to include his aforementioned idea;

[See FBI Report, 302\_002-000022.pdf, 7/17/12]

"Adel Daoud's online activities include... searching for information on making bombs and other explosives... Daoud has also expressed to the Online Covert Employee... plans for an unspecified terrorist

attack with~~in~~ the assistance of a locally recruited terrorist cell."

[See FBI report at 302\_002-000032.pdf, 7/18/12]

What's the plan? Is there really a plan? That's why they said they were investigating. This is why in the following quote<sup>4</sup> UCE asked Daoud 'what would you do.' He under~~st~~ood this.

"UCE: I know and he said brother, what if for example, something happens to me right. What if for example they stop me at the airport, or ~~s~~omething happens, or and then you're by your~~s~~elf. Right. He says what can, what can the brother do by himself? Like what would you do...."

[See UCE audio transcripts, UC\_004 PART 4.pdf, 8/23/12, pg. 320]

"UCE: So you , so , so your goal, your dream, if like for example, if my sheikh asked me what if you, what if, you know, what if I was in Afghanistan, how can your brother help with the Jihad? <sup>he</sup> How can ~~he~~ help with the Jihad?"

[See Id, pg. 325, 8/23/12]

"UCE: No and I don't wanna feel like I'm putting pressure on you to do something here in the U.S. or in Chicago if you really wanna go over~~se~~as and fight there."

[See Id, pg. 467, 9/5/12]

The above quote shows UCE knew the difference between being predi~~s~~posed to the bomb plot and being predisposed to a different charge, namely, Material Support of a terrorist organization,

"UCE: and you have done a great job for your first operation. You came up, you came up with an excellent plan. You did a great job picking the target. You did a very good job taking photographs so we can see what it looks like. Insha Allah you did a really

good job of finding a place to park the car. You know once we get there."

"UCE: I think you did a really good job of picking the right day too. You know on Friday night."

"UCE: You've done a lotta good things in this plan brother. I mean you came up with a really good plan, I have to say."

"UCE: This is great. Your plan is excellent brother and I think..."

"UCE: Excellent planning."

"UCE: Insha Allah. Another, another good way to finish your plan, brother."

[See Id, pg. 624 LN 10-19, LN 23-25, LN 30, 32, 40, 41, pg. 625 LN38, pg. 626 LN 21-22, 9/14/2012]

If Daoud is predisposed/guilty for the charges this means that this was his plan all along, and the FBI caught him. The police didn't persuade him to do anything.



"Plans to attack/kill shias based on previous comments/hatred for shias"

[See UCE Note pg. 104, at Id]

"Car bomb right? He is confirming the use of car bomb not agreeing. Confirming means it has been his idea/intention all along. Agreeing means he is acknowledging."

[See UCE Note at, UC\_002 PART 2. pdf, Last page on copy of sticky note]

"Q What was the persona you used in this case as an undercover employee?

A I was a Mujahideen fighter who was also a jihadist

Q Why that particular persona?

A Those are the people that Mr. Daoud communicated with online and the type of person that he would express his true intentions in regards to violent Jihad

...

A In that first meeting Mr. Daoud brought up the 9/11 attacks. He brought up Al-Qaeda. He brought up the idea that he self-identified himself as - a terrorist. He brought up Anwar al Awlaki. He brought up Osama bin Laden. He brought up the Taliban. He discussed Inspire Magazine, the magazine put out by Al - Qaeda. He mentioned the killing of Jewish men, women, and children. He mentioned the killing of Shia women, men, and children.

Q We'll get into the specifics, but when he mentioned those specific instances of violence against Jewish or Shia individuals, in what context was he giving you that information?

A This was all in support of his views of Jihad

Q And did he -- what was your understanding of what his view of Jihad was?

A He believed that Jihad is the act of violent act against Kuffar

Q When you say Kuffars. what does that mean?

A Nonbelievers. Americans, anyone who's not a Muslim

..... [Under cover employee's code name]

Q Mudafar, is this clip of the first approximately six minutes of your meeting with the defendant?

A Yes, it is

Q And in here did he tell you his views?

A Yes. He self identifies himself as a terrorist, a good terrorist in his own words

...

Q If you could turn to, page 94. Let me know when you're ready. Before I begin this clip, at this <sup>point</sup> ~~point~~ in the meeting are you about an hour and 20 minutes into meeting with Adel Daoud?

A That is correct

Q And right before this clip begins do you -- what are you doing?

A I am preparing to say good-bye to Mr. Daoud and end the meeting

Q Why is that?

A It appears that although Mr. Daoud brought up Al-Qaeda, Osama bin Laden, Anwar al Awlaki, Inspire Magazine, killing Shias, and supporting Jihad, he was not prepared to specifically discuss his jihadist plans in America. And I felt like he wasn't either

ready or just not willing to speak to me about those matter~~s~~.  
So I felt like we should end the meeting and maybe meet in a  
future time

...

Q How long did that meeting last?

A Approximately two hours

Q Who did a majority of the speaking throughout that meeting?

A Mr. Daoud --

Q And what --

A Spoke

Q Sorry

A Spoke approximately 90 percent of the time.

[See UCE's testimony, pg. 253 LN 14-18, pg. 258 LN 1-19, pg.  
266 LN 9-14, pg. 281 LN 1-15, pg. 257 LN 12-23, at 2019 Sentencing  
Transcript, Direct by Ardām].

UCE understood when he was trying to leave that Daoud talking  
about these things, in itself, didn't make him predisposed/guilty  
for any crime.

"Q At what point in this clip do you ask him, as in Daoud,  
to be part of your group?

A I do not ask him to get involved.

[See UCE's testimony, pg. 288 LN 4-6, at Id, Direct by Ardām]

"A I didn't ask him for ideas. He on his own fuition said I  
have some ideas..."

[See UCE's testimony, pg. 288 LN 25, pg. 289 LN 1, at Id, direct  
by Ardām]

"Q Is this the first mention of a bomb being used in an attack  
in your meeting or communications with the defendant?

A Yes, this is the first time anyone has mentioned it."

[See UCE's testimony, pg. 291 LN 5-7, at Id, directed by Ardham]



"A My intentions as the the undercover employee with this operation -- this undercover activity or any undercover activity is not to stop or start anybody from doing anything. It's simply to gather information as to what their intentions are..."

[See UCE's testimony, pg. 365 LN 14-18, at Id, Cross by Durkin]

"Q Are you seriously telling this Court and anybody else that wants to listen that you genuinely believed that Daoud could have walked away from you and gone online and found someone else to build a thousand pound bomb for him? Is that what you're saying?

...

THE WITNESS: Yes, Your Honor...

[See UCE's testimony, pg. 378 LN 19-23, pg. 379 LN3, at Id, cross by Durkin]

"A He picked the target. He picked the use of a car bomb. He picked the date."

[See UCE's testimony, pg. 394 LN 1-2, at Id, cross by Durkin]

"Q You're not telling us that by August of 2012 you, you and your whole team were just doing intelligence and you still hadn't decided to go ahead with this scheme, correct? You're not telling us this are you?

A That's exactly what I'm telling you, sir...

[See UCE's testimony, pg. 394 LN 3-7, at Id, cross by Durkin]

"Q But in August the plot was in motion, correct?

A No, the plot -- we had no plot. ~~Just to be clear we had no~~  
~~Just to be clear~~, the FBI, myself as the undercover, we had no plot. As I stated previously, sir, Mr. Daoud picked the target. Mr. Daoud identified using a car bomb to destroy the target,



and Mr. Daoud picked the date.

[See UCE's testimony, pg. 394 LN 23-25, pg. 395 LN 1-3]

The OCEs communicated with Daoud from May to September when he was arrested. The UCE first met Daoud 7/17/12. One OCE "Salah" portrayed to be a 17 year old Muslim from Australia who also supported jihad. OCE "Iyad" portrayed an older Muslim from Saudi Arabia <sup>waiting</sup> ~~wanting~~ to join the Jihad in either Yemen or Syria.

"Wallah [by Allah] it is my wish to go fi sabil Allah [in the path of Allah] where do I begin akhi [my brother]? How can I find someone I can trust to take me to the fight?"

[See message from OCE "salah" to Daoud at IDFB1\_001-000013.pdf, 5/15/12]

"I can find sheikhs [scholars] say do hijrah [migrate i.e. here meaning for jihad] and some say that we can do jihad anywhere even where we are. what do you advise me to do akhi [my brother]?"

[See message from OCE "Salah" at IDFB1\_001-000033.pdf, 5/18/12]

"But akhi I ask you in front of Allah Subhanuhu wa Taala [Glorified and High], do let me know when you think I can join your group. I would be the Muslim aussie brother at the front of the line!"

[See message from OCE "Salah" at, IDFB1\_001-000041.pdf, 6/4/12]

The last quote is reference to when Daoud says in the following quote and other places.

"... I don't know if im going to have a group for sure... I'm either making my own group, or im going overseas insha'Allah..."

[See Daoud's message to OCE "Salah", IDFB1\_001-000029.pdf, 6/5/12]

"if you didn't make your plans already, and I'm wondering if someday, the Qadar [decree] of Allah will bring us together in Syria, Yemen, Somalia, or Afghanistan, or even in America where

you live..."

[See message from OCE "Iyad", at IDFB1\_001-000070.pdf, 6/1/12]

"... have you ever talked about plans or anything like that because I believe that there is no better time to do jihad more than this time. As you know our ummah [Muslim nation] is suffering everywhere even in Europe and America and that's why our brother Nidal Hasan was fed up with the hypocrisy of America"

[See message from OCE "Iyad" at IDFB1\_001-000072.pdf, 6/4/12]

"So I will continue to pray to Allah Subhanuhu wa Taala [Glorified and High] to open the path for me and insha Allah [if Allah wills] if the path is to America you will accept me as your brother when you form your group and if you don't form this group we will pray together until [Allah] opens the path to both of us.... Akhi I've been talking to my cousin and I mentioned that I've got a friend who is a good Muslim... I know that he is 100% for Jihad"

[See message from OCE "Salah" at IDFB1\_001-000096.pdf, 6/21/12]

"But I do want to point to one thing that's in their memo that I think speaks to pre-- speaks volumes to predisposition, and this is not part of the government exhibits. I think this is part of the government exhibits... they copy and paste the section of an FBI document that says -- and this is early in the investigation, that the defendant had stated on a web forum that he has read an article on bomb making in Inspire Magazine and would make the bomb if he can find the required materials... "

[See AUSA Barry Jonas's conclusion, pg. 461 LN 13-21, at 2019 Sentencing transcript]



"And throughout the undercover was trying to learn what does the defendant want to do."

[ See Jonas, at Id, pg. 462 LN 10-12]

"And this obviously concerned the government. Who else is out there that the defendant may be plotting with. So the undercover probed."

[See AUSA Jonas, at Id, pg. 462 LN 10-12]

"the defendant talked about putting bombs in flying cars. And the undercover switched it when the defendant talked about bombs and cars and made it a car bomb. Then they went from there."

[See AUSA Jonas, at Id, pg. 464 LN 13-16]

"The defenant talked about wanting to go to school in Medina, but he also talked about wanting to go to school to become a sheikh for the mujahideen. He told the undercover let's do an attack before I go there"

[See AUSA Jonas, at Id, pg. 465 LN 13-16]

"So the fact that he may not at that moment been able to build a thousand pound car bomb doesn't mean that he wasn't intending to do some attack with explosives"

[See AUSA Jonas, at Id, pg. 466 LN 14-16]

"He wasn't being essentially led around by the undercover. He was operating independently."

[See AUSA Jonas, at Id, pg. 468 LN 3-4]

"This was the defendant's plot that the defendant was driving forward."

[See AUSA Jonas, at Id, pg. 469 LN 1-2]

Predisposition in this case is Daoud's plan to do a bombing as part of a terrorist attack - his charges. Daoud mentioned



"forming a group" and "a realistic idea." The FBI here wants to know the idea. "Salah" asks Daoud his plans by pleading "what should I do?" and "tell me when you form your group" "Iyad" and "Mudafar" [UCE] ask him directly what he is planning. This understanding that predisposition is the plan/the intent for said charges is acknowledged by the FBI, UCE, OCEs, and the prosecutor. If their story is true, this means, as they said, that Daoud was planning on a car bombing to destroy buildings in the U.S. as part of a terrorist attack before leaving to Madinah University. There was no plan on the FBI's part because they only investigated and caught Daoud before he can carry out his plot.

The FBI and Prosecutors~~d~~ redefine Predisposition

a. FBI Reports

"This initial meeting will <sup>serve</sup> ~~serve~~ as a vehicle to assess Dauod's true commitment to participate and/or ~~s~~upport violent Jihad towards U.S. persons and/or interest."

[See FBI Report at 302\_002-000032.pdf, 7/18/12]

Testing some's commitment for ~~s~~omething general is not the same as finding out his specific intentions.

"II [Redact...!] On 8/06/2012, UCE - [Redact...!] will meet with ADEL DAOUD at approximately 5:00 PM to gain additional intelligence on DAOUD, and for DAOUD to present his ideas for committing Jihad on paper."

Again, Jihad is a general concept

[See FBI report at 302\_002-000046.pdf]

The FBI is looking for people who think like Daoud. They use this as their definition for predisposition.

"Through the deployment of OCEs, Chicago will work to fully assess David's intentions as they pertain to violent Jihad and martyrdom as well as his association with like minded individuals [Redact...!]"

[See FBI Report at 302\_002-000001.pdf, 5/15/12]

"[Redact...!] Recent communications between OCE - [Redact...!] and DAOUD revealed that OCE - [Redact...!] has a cousin who believes in the same ideology as DAOUD and OCE - [Redact...!] ...

[Redact...!] OCE - [Redact...!] will ask DAOUD if DAOUD knows anyone in the Midwest area who "thinks like they do" because his cousin is looking to meet up with "like minded" individuals."

[See FBI report at 302\_002-000001.pdf, 5/15/12] ~~expressed his desire to commit~~

[See FBI report at 302\_002-000011.pdf] 6/20/12

"In brief summary, DAOUD has expressed his desire to commit Jihad, die a martyr, and radicalize individuals to commit Jihad to both OCEs."

[See FBI report at 302\_002-000097.pdf, 9/7/12]

In Daoud's case they say he's guilty because he's predisposed for "Jihad" or "violent Jihad." This is a problem because Jihad is not specific to the accusation; that is: that Daoud was planning a bombing downtown Chicago. Jihad is a religious concept and could include a variety of things, not all of which are illegal. Even when talking about violence, you cannot lock someone up because he's violent or you're sure he's going to do Religious violence. Or because he has violent beliefs. If he's doing a crime or is about to do a crime, what is it? What's his plan? Jihad! What? What's he about to do? A terrorist attack! What does that mean? Is he going to shoot people, stab people, or blow them up? These are different accusations. Is he going to blow up a bar or join a terrorist group? Or both? Can you prove it? Which terrorist group is he joining? When is he joining? Do you know? Are you sure? Because if the FBI stopped his plan then they must have known what his plan was, and these should be easy to answer questions. They said he was going to use a car bomb to destroy buildings as part of a terrorist attack before going to Madinah University in Saudi Arabia. That was the plan. They charged him for it. Was that really why they arrested him? Was that really his plan? Or was it because he was predisposed for Jihad?

[Redacted...!] DAOUD has met with UCE- [Redacted!] on four different



occasions. During the first meeting on 7/17/2012, DAOUD discussed his conservative Islamic beliefs. Near the end of the first meeting, DAOUD expressed his desire to commit Jihad..."

[See FBI report at 302\_002-000097.pdf, 9/7/12]

As you saw from other quotations, Daoud was talking about Jihad throughout every meeting. This report is deceptive, but it's not a contradiction. Namely, because Jihad is part of his conservative Islamic beliefs. This was described by prosecutors as "Radical Jihadism",

"A more plausible explanation for the defendant's behavior is his adherence to an ideology of radical jihadism that is perverse but is preached by certain religious leaders admired by the defendant."

Daoud described his beliefs as the following,  
"So I don't like to put myself under any sect or banner or group in Islam I say that i am Muslim, following Ahle Sunnah wa Jamat (Sunni, not Shia...)"

[See Prosecutor quote from Government's Sentencing Memo, Document #329, Filed: 4/26/19, page 47 of 60, See Daoud's quote at his message to OCE "Salah", ID FBI\_001-000016.pdf, 5/18/12 Youtube letter]

The FBI's other word for "jihadi" is an "Islamic Extremist",

"Online Presence/Contact

[Redacted...!] Adel Daoud's online activities involve visiting and posting on Islamic extremist/Jihadist online forums..."

[See FBI Report, 302\_002-000032.pdf, 7/18/12]

Therefore:

Conservative Islamic beliefs = desiring Jihad = Jihadist = Islamic  
Extremist = Predisposed = guilty

The week before they charged Daoud they were going to charge  
him for WMD and Material Support to a terrorist group,

"[Redacted...!] On 9/14/2012 , CT-3, JTTF Chicago, will execute  
a probable cause arrest of ADEL DAOUD for violation of Title  
18, United States Code, Section(2) 2332(2)(D) [Weapons of Mass  
Destruction], 2339A [Material Support], and 844(I) [Attempting  
to Destroy a Building by Means of an Explosive, the second charge  
of the case]..."

[See FBI Report, 302\_002-000097.pdf, 9/7/12]

During the entire case the FBI was working with U.S attorneys.  
Whatever evidence they had up to a week before arresting Daoud,  
to them was sufficient to not only charge Daoud with attempted  
to use a Weapon of Mass Destruction to destroy a building in  
the U.S., but also Material Support. How is that possible, when  
they are 2 different accusations?

This falls back to the FBI's motive for arresting Daoud in the first place. The FBI did not know Daoud had an "actual plan." But they not only wanted to know if he was actually doing an attack, they wanted to see which of his friends were like-minded aka co-conspirator~~s~~, and to stop him from "Recruiting" or "Radicalizing people to "commit Jihad."

"[Redact!] The introduction of a UCE to Daoud will fulfill multiple investigative goal~~s~~. The first goal ~~is~~ to learn if Daoud has an actual plan rather than just general targeting. The second goal ~~is~~ to determine if Daoud has a close group, [Redacted...!] that are acting as co-conspirator~~s~~. The third goal is to stop Daoud's recruiting of younger individual~~s~~. The overall objective is to disrupt Daoud if he is planning an attack and to dismantle any further recruiting of other individual~~s~~."

[See FBI Report at 302\_002-000032.pdf, 7/18/12]

It's clear whether or not Daoud was planning an attack , they still had to stop Daoud from "any further recruiting." How did they plan to do that if he wasn't actually planning an attack?

When they arrested Daoud, they questioned whoever they could



who was related to Daoud about his belief in Jihad, and if their belief was the same as his,

"For both DAOUD and ABDELLA Jihad means..."

"While he (JAAFER) believes he was never completely in agreement with DAOUD's pro violent Jihad views..."

"They talked about Jihad... BEBO stated for him meant about inner struggle, but for DAOUD it meant about fighting"

"the writer and Abbas spoke briefly about the specific definition of Jihad..."

"While on the topic of Jihad , MACIAGOWSKI believed..."

"DAOUD began wearing a black turban and SHARIF believed that meant DAOUD was signaling that he supported Jihad.... SHARIF defined Jihad in this instance... "

"Heba was asked about her understanding of the term 'Jihad' "

"CHAUDHRY was worried DAOUD was over zealous in his views of Jihad. CHAUDHRY explained <sup>that</sup> ~~that~~ he (CHAUDHRY) believes in Jihad in terms of the struggle, but believed DAOUD took it a different way..."

See FBI Reports at

302\_001-000083.pdf

302\_001-000094.pdf

302\_001-000100.pdf

302\_001-000074.pdf

302\_001-000034.pdf

302\_001-000031.pdf

302\_001-000020.pdf

302\_001-000010.pdf

The week before they locked up Daoud they had a list of people to interview. One of his friends is first, and then who? His two Sheikhs from school.

"4. Interview teams

Team 1. Abdella Tounisi

Team 2. Mohammad Hasan

Team 3. Abdool Rahman Khan..."

[See FBI report at 302\_002-000097.pdf, 9/7/12]

b. Agents

The UCE made notes which were printed 2019 on the transcript of the recordings between him and Daoud. Some of his comments have been quoted already, and how they show UCE understood predisposition. Here are samples of his other definition:

He circles Daoud saying, "We're terrorists, in a good way."

[See in pg. 3, at UC\_004 PART 4.pdf]

He squares him saying, "jihad"

[See it pg. 6, at Id]

He circles Daoud saying, "yeah so , yeah so I mean I got him to agree to go to Yemen (laughing)"

[See it pg. 23, at Id]

He comments, "Reads book of OBL [Osama bin Laden]. His surrounds himself with extremist ideology from books, websites, chatrooms, hadith, etc"

[See it pg. 41, at Id]

And he knew what Hadith are,

"THE WITNESS: Hadiths are stories of the Prophet Muhammad."

[See UCE's testimony, pg. 270 of 2019 Sentencing Transcript LN3-4, Direct by Ardham]

He writes again, "self identifies as terrorist "

[See note at UC\_004 PART 4.pdf, pg. 123]

He said, "opportunity for him to think of other meanings of Jihad."

[See his note, pg. 124, at Id]

The government has no right to the interpretation of anyone's religious beliefs.



The FBI and Prosecutors knew Daoud was not predisposed for the charged bombing

"UCE: I know and he said brother, what if for example, something happens to me right. What if for example they stop me at the airport, or something happens, or and then you're by yourself. Right. He says what can, what can the brother do by himself? Like what would you do...

Daoud: I can't really do anything by myself. Cuz I don't have like training or anything

UCE: Right

Daoud: You know what I'm saying? Like the only thing I could do is like you know get ready, go overseas

UCE: Right

Daoud: You know I mean like I don't know how to make a bomb. I, I've seen instructions

UCE: How else, how else would you help Jihad? Our brothers with Jihad. Like if I, if I wasn't here, how else would you help the brothers in Jihad?

Daoud: I'd just prepare to go overseas. See what I mean like, cuz I was thinking before you came, you know I wanna do something here, I wanna go overseas. But I had no idea how to do anything here. So I was disappointed. I'm like okay, maybe I'll just go overseas. You know what I mean? Uh, so you can, you actually came at a convenience cuz I wanna do something here and there before

UCE: Right

~~Daoud: But I had like no, like no idea how, I'm like how can, you do that (U1) So that's, that's, that's the way~~

Daoud: But I had like no, like no idea how. I'm like how can, you do that (UI) So that's, that's the reason why. Right. So I mean otherwise if you weren't here I'd probably just be planning to go overseas

UCE: Hm-hmm

Daoud: and although I want to do something here, I wanna [wouldn't] be able to cuz I didn't know how, how to do without getting caught, and things like that. You understand what I'm sayin? So it's like what you could do. So I, like before I wanted to something here, but I have um, I have no idea how to do it and get away with it so you know what I'm saying? So that that, that's the situation because before I wanted to do something. I told my friend about it, like listen man, you're goin to (laughs) you, you, you know, yada, yada, yada. You know just go overseas. It's much easier than you know doing that. I'm like okay I'll (UI), I can't do anything here right now.

UCE: What would you do overseas? Like how would you go over? What is your, like how could you go overseas? What would you do there for Jihad?

Daoud: No I mean like the, like open fronts

UCE: Oh you mean to like Afghanistan, and to Yemen?

Daoud: Yeah

UCE: and to... oh and you would want to fight over there?

Daoud: Right"

[See UCE audio transcript, pg. 320-321 +323, LN 1-2, at UC\_004 PART 4.pdf, 8/23/12]

~~"UCE: So you, so, so your goal, ayour dream, if like for example, what like my sheikh asked me what if you and brother never met.~~



UCE: So you, so, so your goal, your dream, if like for example, if like my sheikh asked me what if you and brother never met. What if you, what if, you know what if I was in Afghanistan, how can your brother help with the Jihad? How can he help with the cause of Jihad?

Daoud: I would just, no, I just told you I would tell, I would help him, try to get them overseas, right. And we, we would fight overseas, that's it. You know what I mean? And we're already coming up with plans how to get there and so on so forth. You know what I mean? Um like for me it was like going to Medina (laughs) you know and obviously you don't get someone over there. Actually um, it's kinda like convenience..."

[See UCE audio transcripts, pg. 325 LN 31-45, pg. 326 LN 1-6, at Id, 8/23/12]

"Q So are you telling me that on the day you met him, July 17th, 2012 you were convinced, you Mr. Agent, undercover specialist whatever you call yourself. You were convinced that he was predisposed to commit a bombing in Chicago; am I right? Is that what you're saying?

A No, not predisposed to committing a bombing in Chicago. Predisposed based on his online activity, Jihadist forums in support of Al Qaeda or support of Anwar al Awlaki, but not a specific plan or plot.

Q So you think you possessed evidence of predisposition before you even met with him is that right?

A That is correct, yes.

[See UCE's testimony, 2019 Sentencing transcripts, pg. 360 LN 2-12, "Mudafar" i.e. UCE, cross by Durkin]

Undercover  
Agent code name



Compare that quote with this one,

"A The purpose of my undercover role in this case was to gather intelligence on Mr. Daoud's intentions

Q Right. That's why I asked you about (what) you know about predisposition Okay. The fact of the matter is the first goal of your operation was to learn if Daoud has an actual plan rather than just general targeting, correct?

A That was part of the goal, sure

[See UCE's testimony, 2019 Sentencing transcripts, pg. 364 LN 11-14]

You knew Daoud was predisposed and therefore guilty because he's predisposed "based on his online activity, Jihadist forums in support of Al Qaeda or support of Anwar al Awlaki, but not a specific plan or plot."

He's charged with this specific plot - his charges. If he's not here for his charges, why is he in jail? Remember, seeing if Daoud had an actual plan was only part of their goal.

"Q And this is a man you believe had the predisposition to commit this crime correct?

A Not a predisposition to commit this crime, but a predisposition towards Jihad, violent extremism, or Al Qaeda, or the jihadist forum he was on. Not necessarily a crime. There's a difference."

[See UCE's testimony, 2019 Sentencing transcripts, pg. 384 LN 2-10]

How do you know he was going to do this bombing? I don't! He's guilty because he's predisposed towards Jihad! What?

In the above quote he acknowledged <sup>there's a</sup> ~~the~~ difference between being predisposed for Jihad and a crime. Below, he doesn't,

"Q I'm talking about as a matter of fact, there is a substantial difference from someone being predisposed to want to commit Jihad than there is to commit a federal crime under 2339(a), correct?

A No that's not correct."

[See UCE's testimony, 2019 sentencing transcripts , pg. 384 LN 17-21]

Now, he said there is no difference between being predisposed for Jihad and a crime. Notice the following:

1. He already swore there's a difference between predisposition for Jihad and a crime
2. He already swore that Daoud was not predisposed for the bombing i.e. his charges, twice.
3. When he swore~~d~~ that there is NO difference between predisposition to "commit Jihad" and a specific Federal Offense, he swear~~d~~ to a different charge .

2339 (a) is Material Support to a terrorist Organization. So even if he's telling the truth in this quote, and not the other one (where he says there is a difference between predisposition to Jihad and a crime), this is the wrong crime. He's not charged with Material Support.

"Q When did the bomb get built?

A I don't know the - I don't know the exact date, but it was ready before Mr. Daoud was ready to go. So it was available. We simply weren't .... we weren't willing to go forward because we wanted to give Mr. Daoud further opportunities to walk away...

Q You, you wanted to give him an opportunity to walk away, but you wouldn't give him the fatwa that would have caused him to

[Religious verdict]



walk away from it correct?

A As I stated, earlier, sir, it is not my intention to push him toward doing violent -- committing violent Jihad or to pull him away. It was simply to gather intelligence and he from his own statements and the steps he took wanted to move forward with this operation

Q Now

A [screams] He picked the ta[aa]rget...! He picked the use of a car bomb. He picked the date.

[See UCE's testimony, 2019 Sentencing transcript, pg. 393 LN 10-23, pg. 394 LN 1-2, Description mine. He said it just like that]

How was Daoud not ready to go if all he needed to do was show up? How was the bomb ready before Daoud was "willing and ready" to commit "this crime not just any crime"? If he's telling the truth here, then he just admitted the FBI planned the bomb plot before Daoud was "ready."

If he's lying, and he is, then it still doesn't help him. Because he said, " we weren't willing to go forward because we wanted to give Mr. Daoud further chances to walk way."

By 8/10/2012 Daoud agrees to go,  
"dey killed our people now it's time we killed there's."

[See Daoud, Skype text chat with UCE MDFR/Mudafar, UC 8-10 SKYPE.pdf, pg 1 out of 12, 10:43pm]

UCE tells him they cannot do it yet because it was Ramadan.  
Daoud says,

"no that's not right! the sahaba and many mujahideen in the past fought in ramadan!"



[See Daoud "adel david" skype text chat with UCE "MDFR", at Id, pg. 1 of 12, 10:42pm]

He [UCE] testified the reason for the delay was to give Daoud an opportunity to walk away. Again,

"Q I'm showing UC/ 10 Skype...

A I told Mr. Daoud that my sheikh does not support conducting a terrorist attack during Ramadan. He responded with no, that is not correct, that the mujahideen fighters did during the time of the Prophet conduct terrorist attacks or fighting during the month of Ramadan. He was upset... "

[See UCE's testimony, 2019 Sentencing transcripts, pg. 322 LN 4, LN 18-22, Direct by Ardam]

"Q this communication was on August 10th?

A That is correct

Q and do you recall when Ramadan ended 2012?

A Approximately August 18th I believe

Q Why did you say that your sheikh would not allow you to conduct an attack during Ramadan?

A This was part of the initial reason I brought up my sheikh is to give Mr. Daoud an opportunity to walk away, to cool off. And if he decides not to do it during this time period so be it. "

[See UCE's testimony, 2019 Sentencing transcripts, pg. 323 LN 5-14]

He's lying because:

1. His sheikh is a real person. He's just not a sheikh. It's his handler. Samuel Hartman would debrief the UCE with Raymundo Najera, and Hartman would take the recordings.;

[See FBI reports

302\_002-000046.pdf, 8/3/12

302\_002-000022.pdf, 7/17/12

302\_002-000088.pdf, 9/7/12]

2. Because the real reason he told Daoud to wait was because the bomb wasn't made yet. The bomb wasn't done until 8/22/12 as reported by FBI Bomb technicians Michael Holt and Daniel Glavach.

[See FBI reports at

302\_002-000324.pdf, 9/17/12

302\_002-000317.pdf 9/17/12

302\_001-000103.pdf, 9/17/12

302\_002-000081.pdf, 8/27/12]

They requested the car to make the bomb on 8/14/12 according to FBI Report [302\_002-000063.pdf]

"FBI Chicago squad CT-3 requests operation support in support of a covert vehicle [Redacted.!] for approximately 30 days."

On 8/14/2012 Daoud still thinks they might use guns,

"adel david: but i see all these trees. you think it wud be risky to shoot at them flowers 11:28pm

MDFR: shooting is very hard. we need to practice. 11:29pm

adel david: ok 11:29pm"

[See Skype text chat at UC 8-14 SKYPE\_0001.pdf, pg 8 of 20]

If the argument is that Daoud was predisposed because he came up with the car bomb, this is a bad argument.

UCE had the final say so on the target

"UCE: So where do you like would be like uh, the most...

Daoud: I want to get to like, for me I want to get the ~~most~~  
most evil place, but I want to get a more populated place

UCE: Where, where'd you think that would be? From the list that  
<sup>have</sup>  
you ~~have~~ so far?

Daoud: (sighs) If you get a base, if a [military] base is easier  
for you. I would even recommend the base. But how...

UCE: Like how do you get to a base?

base is hard"

[See UCE audio transcripts at UC\_004 PART 4.pdf, pg. 233, 8/6/12]

UCE did not approve of the military base. The next meeting  
Daoud brought up the Cactus Bar on 8/23/12, and UCE agrees.

[See FBI report 302\_002-000097.pdf] 4/7/12 Report



Daoud did not pick the date

During the last 10 days of Ramadan Daoud was staying over in the masjid. UCE continued to communicate with Daoud on Skype text chat. The whole time after Daoud agrees, UCE would not agree to start the operation in Ramadan despite being the one who brought this up to begin with [more on that soon]

"MDFR: we can drive by and pick a date and time for charity 12:16am  
adel david: i thot we were gнна do it next week 12:16"

[ See Skype text chat, UC 8-14 SKYPE\_0001.pf, pg.20 of 20]

If the date was up to Daoud, why wasn't it done by 8/21/12?

"Daoud: ... You know today uh, I thought we were gonna do it tomorrow

UCE: We have to plan brother

Daoud: Right

UCE: I'll have to get everything ready. I don't wanna do anything...

[See UCE audio transcript, UC\_004 PART 4.pdf, pg. 371 LN 43-45, pg. 372 LN 1-3, 8/23/12]

Why wasn't it on 8/24/12?

And the bomb was ready on 8/22/12, but "everything" was not.  
hmm.

"UCE: Yeah, today's Wednesday

Daoud: So Wednesday here, well I mean if you could do it today

UCE: I don't have everything, the car is ready and the bomb is ready

Daoud: So wait, if, if I said let's do this today, could, could, could you do it today?

[10:00]

UCE: No cuz I have to put the bomb in the car

[See UCE audio transcripts, at Id, pg. 446 LN 27-42, 9/5/12]

Why wasn't it on 9/5/12? "Idon't have everything."

" UCE: Next week sometime, probably uh, late next week. Like what day do you wanna do it so I can plan on coming and actually...."

[See UCE audio transcript, at Id, pg 454 LN 21-22, 9/5/12]

"UCE: And this Friday I can't do it cuz I'm gonna be back at work."

[See UCE audio transcripts, at Id, pg. 454 LN 21-22, 9/5/12]

"UCE: So do you think that next week some time toward the end of the week would be okay?

Daoud: I wanna do it as soon as possible

UCE: Okay

Daoud: So I mean like, if you, if, if necessity you know, the the Medina thing is procrastinating so you're very lucky. I'm supposed to go right after Eid okay. If it wasn't the arrow..."

[Eid is the holiday marking the end of Ramadan. He was already planning on being gone]

"UCE: This is...

Daoud: ... and the waiting thing

UCE: This is, this is Allah's plan, brother

Daoud: Okay, If it wasn't for that first, Allah then that okay, then man you would have a bomb with no like nothing...

UCE: No body to help me"

[See UCE Audio transcripts, from Id, pg. 455 LN 1-26, 9/5/12]

"UCE: Uhh, I will be back Thursday

Daoud: Thur<sup>day</sup>

UCE: yes

Daoud: Okay so umm...

UCE: Next Thursday

Daoud: So how many days do we have free?

UCE: I could be here Thursday, Friday, Saturday, and Sunday

Daoud: well that's perfect okay

UCE: Yeah so hopefully you'll we can do it on one of those days.

I can be here Thursday, Friday, Saturday, Sunday, and you know."

[See UCE Audio transcripts, at Id, pg. 510 LN 38-44, pg. 511

LN 1-13, 9/5/12]

The FBI Report labelled 302\_002-000097.pdf. says the following:

1. Daoud and UCE "tentatively" set the attack on 9/14/2012, Friday.

But Daoud only knew it would be Thursday, Friday, Saturday, or Sunday. How does the FBI know exactly when the attack is scheduled and not Daoud if it's Daoud's plan?

2. The 9/5/12 meeting was Wednesday. UCE said Friday 9/7/12 he had to work, and he really did. UCE and the FBI started "preoperation" 9/7/12 and would end at 9/12/12

Like Daoud said the day of his arrest 9/14/12, "There has to be a reason we couldn't (UI) over time. We couldn't do it last week, we couldn't do it 2 weeks ago, and we were waiting for this, and now we're here."

[See UCE audio, 9/14/2012, at out\_wraptwo6307438814, at 13:35-13:46]

There has to be a reason, right? If Daoud was ready 3 weeks ago, whose idea was it to lock him up the week of 9/11 on a Friday night?

Remember the FBI report. On 8/14/2012 they ordered the car



to make the car bomb. How long did they want the car? About 30 days right? When they lock up Daoud?

[See FBI Report 302\_002-000063.pdf]

Daoud was never an imminent danger to anybody

"Annex: FBI Deadly Force Policy

General Principles

1. Law enforcement officers of the DOJ may use <sup>deadly</sup> ~~deadly~~ force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or ~~serious~~ physical injury to the officer or to another person."

[See FBI reports at 302\_002-000088.pdf 9/7/12

302\_002-000022.pdf 7/17/12

302\_002-000046.pdf 8/3/12

302\_002-002-000065.pdf 8/23/12

302\_002-000097.pdf 9/7/12]

And according to the last report there were 9 FBI teams surrounding Daoud 9/14/2012. At no given time did any one of them kill or attempt to kill Daoud, even though their repeated policy is to only use deadly force when they must do so. They must kill Daoud if he poses an imminent danger of death or ~~serious~~ physical injury to the officer or to another person." What's a more an imminent <sup>threat</sup> ~~threat~~ than someone actively planning Mass murder?

"Timeline

[Redact!] Chicago's Intent is to start OCE communication about the coup in no later than 06/22/2012. Chicago expects to be able to introduce a UCE no later than 06/29/2012.

Surveillance Coverage

[Redact!] There have been approximately eighty (80) 8hr shifts of physical surveillance observing DAUD and his actions since 05/16/2012. As of 06/25/2012, Chicago will have one (1) 8hr shift ~~per day~~"

per day."

[See FBI Report 302\_002-000011.pdf]

5/16/2012 to 6/20/2012 (date of report) is about how many days? About 36 days. So about 2 shifts (total 16 hours) surveillance was conducted on Daoud every day. Upon scheduling to send UCE they cut this surveillance in half. Sounds imminent?

There was never an indication that Daoud possessed any weapons "Officer Safety: Although Daoud's online activity is of a violent nature, he does not have a documented violent history. There is no indication Daoud will possess any weapons the Undercover meeting."

[See FBI reports, at Id]

This was the case with every meeting UCE had with Daoud. Remember this: A bomb is a weapon.



### FBI's Interest in Daoud's Plan to go to school

Daoud was a proud "terrorist." He voiced support for terrorists online. He read and spread books, articles, and videos. So what? As far as an "actual plan" is concerned with regards to Daoud everything is speculation. He might have a terror cell, he might bomb something; he googled TNT, he searched if suicide bombing is halal [legal in Islamic law]. He said 9/11 was halal. These are actually really common questions when it comes to that religion. And whatever positions someone has about these things, means nothing in court without an "actual plan." The only plan that Daoud had that is not disputed by anybody is his plan to go to Madinah University in Saudi Arabia. The FBI was very interested in this plan,

"i plan to insha'Allah go to Madinah University"

[See Daoud's message to OCE "Iyad", at IDFBI\_001-000090.pdf, 6/14/12]

"Iyad" claimed to live in Saudi Arabia, and said he'd visit Daoud when he made it to Madinah while saying,

"Please tell me more and in details because I have some brothers who attended Madinah University and they could help in guiding you."

[See OCE "Iyad" to Daoud, Youtube letter, IDFBI\_001-000091.pdf, 6/14/12]

Why would OCE "Iyad" offer Daoud help to go to Madinah University? Does that sound like

"Q... When you say to Daoud that he can't go to Yemen by himself, why do you say that?..."

THE WITNESS: Yes. Yes, your Honor. And I stated that I could

help him if that's something he wanted to do because we as the FBI would like to have some visibility on Mr. Daoud should he travel. And if he wants to travel he would reach out to me versus to somebody else that the FBI would not have visibility on, and then he would successfully travel without our knowledge."

[See UCE's testimony, 2019 Sentencing Transcripts, pg. 284 LN 14-15, LN 22-25, pg. 285 LN 1-3, "Mudafar" direct by Ardham]

"... i got like 98% of the paperwork and stuff to turn in and insha'Allah i wanted to go to a medressah [Islamic school] to study the Deen [religion] and they said they would be able to get me in insha'Allah! Insha'Allah if this works out, i can insha'Allah go after this Ramadan!"

[See Daoud's Youtube letter to OCE "Iyad", IDFBI\_001-000092.pdf, 6/14/12]

"I'm very excited about your plan to move to the kingdom [of Saudi Arabia] this summer."

[See OCE "Iyad's" Youtube letter to Daoud, IDFBI\_001-000093.pdf, 6/19/12]

He's talking about studying for a long time including an interest to master in Islamic history, Shariah , Quran, and/or Hadith [each is an Islamic science]which total would take 10+\_years of schooling.

[See Daoud's Youtube letter to OCE "Iyad", at IDFBI\_002-000032.pdf, 7/18/12]

Even after this, when they schedule to send the UCE "before Ramadan" in their report on 6/20/2012 [FBI Report 302\_002-000032.pdf], OCE "Iyad" still tries to "help Daoud" go to Madinah,



"... and I wonder if you have someone here [in Saudi Arabia] who is helping you with preparing your travel and registration but if you want I can help in pushing your registration if you want to ."

[See OCE "Iyad's" youtube letter to Daoud, at IDFBFI\_001-000130.pdf, 7/11/12]

Let's put ourselves in the FBI's shoes. Even if Daoud is not planning a bombing; do we really want him to go to Saudi Arabia for school? For 10+ years?

"...like shaykh anwar al awlaki. NO ONE had a problem with him until he supported Jihad. and that is a FACT. Exactly... because a scholar who follows his deen [Religion] is more fearful to shayateen [Satans]... i want to be even WORSE to the americans the usama bin laden and shaykh anwar al awlaki put together! i want to be a great terrorist insha'Allah and be great encouragement for Muslims to do the same!"

[See Daoud's Youtube letter to OCE "Iyad" at, IDFBFI\_001-0000131.pdf, 7/11/12, IDFBFI\_001-000132.pdf]

He wants to go to school to become a Shaykh. A Shaykh worse than Shaykh Osama and Shaykh Awlaki put together. He's going to school, on his way to Saudi Arabia, saying this. The FBI was going to let him go. Really?

"and insha'Allah after Ramadan i will go to madina. PLEASE MAKE DUA [pray] that i go!

Insha'Allah i will be knowledgeable enough [because he's going to Madinah University] and give inspiration to those who want to go for Jihad and convince Muslims that fighting and dying



in the Cause of Allah is the way to go with pure Tawheed [monotheism] and iklaas [sincerity]"

[See Daoud's youtube letter to OCE "Salah" , IDFBI\_001-000134.pdf, 7/13/2012]

"... Insha'Allah this will not affect your trip to Madinah so that after you are done from your schooling here [in Saudi Arabia] you will find a way to Join me in Syria or Yemen!"

[See OCE "Iyad's" youtube letter to Daoud, 6/24/12 ]

Gov. ex. OCE TWO-53

Daoud responds,

"hahahaha insha Allah!!! so far i wanna go to Yemen"

[See his response at , IDFBI\_001-000108 .pdf 6/24/ 12]

Should this guy be free? Should he ever see sunlight ever again? throw him in the Dungeon, and throw away the key. The FBI had every right to frame him.

The FBI Framed Daoud for the Bombing  
"UCE:

Okay when we go downtown turn this radio on. Turn the switch  
to on

DAOUD: yeah

UCE: To make sure everything is okay. Turn it back off. You're  
gonna plug the wires

DAOUD: This should be a science fair project (laughs\_)

UCE: Yeah, now you're gonna plug in the wires

[See UCE Audio transcript, UC\_004 PART 4.pdf, pg. 569 LN 31-44,  
9/13/12]

"DAOUD: Yeah. How do you plug in the wires? You put this here?  
Like you un, you do, undo this and you put the wire here?

UCE: Exactly. Undo that. Put the Red wire in there. Undo this.  
Put the yellow wire in there. Tighten it back up. Turn the switch  
back on. Right?

DAOUD: You put it on?

UCE: Yeah the switch is back on. But I'm not just doing, it gets  
the circuit functioning. You know what I mean?

DAOUD: yeah yeah yeah so you get...

UCE: you turn it back on

UCE: .... and you can connect it to that. That's connected to  
the , to the radio

DAOUD: Okay

UCE: So this is on. That's on. So you just connect...

DAOUD: So then how do you take this off and like...

UCE: No, you don't disconnect it. You leave it just like that

()

DAOUD: Right

[See UCE Audio transcripts, at Id, pg. 570 LN 1-38, 9/13/12]

What does this exchange sound like? Doesn't it sound like Daoud is helping UCE with connecting the wires to... the bomb? And guess where they're at? In the car bomb. But how is that possible when a few pages later,

"DAOUD: Okay so for the wire thing

UCE: yes                      gonna

DAOUD: Are you ~~gonna~~ do that or you want me to do it?

UCE: It's up to you brother

DAOUD: Could you do it because I'm not experienced

UCE: No no no it's gonna be

DAOUD: With at least the wires

UCE: It's totally safe. Cause we're gonna...

[See UCE Audio transcript, at Id, pg. 574, 9/13/12]

So first he helps with the wires, then he refused to help with the same wires. And the video is dark and hard to see. On 9/14/2012, Daoud helps with the wires again, the same wires,

"(Begof Clip C 19:55:09)

UCE: If you're turnin... let me show you, we'll do this for you real quick

DAOUD: Alright

[See UCE audio transcripts, at Id, pg. 666 LN 41-45, 9/14/12]

"UCE: Turn off the light . I think it'll go off in a second, automatically. (UI) it'll go off. It's like automatic timer doors are locked. Yeah the doors are closed. I mean

DAOUD: closed (UI)

UCE: Yeah (UI)

a



DAOUD: How about we wait until this turns off

UCE: Okay there you go

DAOUD: and patience is good right?

UCE: Yes, patience is very important. Okay. So these wires (UI).

Alright brother. There you go, right. First you wanna turn the radio on in this one right here

DAOUD: So

UCE: It turns on

DAOUD: This one?

UCE: Yeah . Push and hold that

DAOUD Hold it

UCE: For second, yes. (beep) Okay that's on. And then make sure, take this one make sure it's good

DAOUD: that one's good

UCE: (UI) Okay (UI) Do you wanna attach the other wire, brother?

DAOUD: I don't now how (whisper)

[See UCE audio transcripts, at Id, pg. 667 LN 1-44, 9/14/12]

"UCE: See that little hole right there. Stick inside that hole (UI)

DAOUD: (whisper) (UI)

UCE: Right, in right there okay, do you wanna just tighten the screw? <sup>Tighten</sup> ~~Righten~~ this up. That's good. That's good. That's good. Then if you want you can tighten this one too.

DAOUD: Yeah. I overestimated the difficulty (UI)

UCE: Yeah. You overestimated the difficulty you can do this, brother. That's excellent. Okay. Just don't wanna turn this on until you come to me:

[See UCE audio transcript, at Id, pg. 668, 9/14/12]

Physically, it's impossible. He helped with the wires, then he refuses, and he does the same wires the next day for the operation. How? How does he do the wires twice? There was a Red wire and a yellow wire in the recording. But the FBI bomb technician says that the "3 Red wires" were "attached correctly to one connection on the exterior of the container housing the electronic initiation system, and the 3 yellow colored inert electric blasting cap wires were attached correctly to the other connection on the container"

[See FBI report, 302\_002-000324.pdf, 9/17/12]

We're talking about 4 other wires. And in the "PHOTO\_0001" in the government exhibits of the bomb there is a green wire too. 9/14's recording doesn't even mention colors and they were in a dark car again, and it's darker this time because it's night. In the previously cited FBI Report, and in FBI Report - 302\_002-000317.pdf, 9/17/12 - and others, they keep saying the wires were "attached correctly" and the "electronic initiation system" was <sup>tested</sup> ~~testing~~ and it works. These same guys said they made the bomb, so what's the significance of that?

UCE <sup>says</sup> ~~eyes~~ in FBI report - 302\_002-000320.pdf entered 10/1/2012 that on 9/14/2012, that him and Daoud "entered the Jeep and took the final steps towards activating the explosives" and that Daoud drove the Jeep (the bomb car) to Cactus<sup>bar</sup>, parked, exited, and "walked towards" the UCE "to an alley."

FBI report - 302\_002-000097.pdf, entered 9/7/2012, the purpose of the 9/13/12 meeting was to familiarize Daoud with the inert vehicle born explosive device (VBIED).

How is that so when Daoud whispered about the wires on 9/14/2012,



, "I don't know how"? How does he not know when not only did the UCE explain it to him, but Daoud is recorded attaching the wires the previous day?

"UCE: and you have done a great job for your first operation. You came up, you came up with an excellent plan. You did a great job of picking the target. You did a very good job of taking photographs so we can see what it looks like. Insha Allah you did a good job of finding a good place to park the car. You know once we get there."

[See UCE audio transcripts, at UC\_004 PART 4.pdf, 9/14/2012]

How come he didn't say: And yesterday, you did a great job connecting the wires? Or you did a good job connecting the wires. You know once we get there. Why not?

"A [screamed] He picked the target...! He picked the use of a car bomb. He picked the date."

[See UCE's testimony, at 2019 Sentencing transcript pg. 394 LN 1-2, again, description mine]

Why not scream, "He help me make the bomb...! He connected the wires....!"?

The wires were already attached but he told Daoud to twist the yellow caps connecting the wires. Like an old light bulb that's connected, but if you want you can twist it tighter. He said "Twist it ", put his hand over Daoud's , and gently twisted his finger around the cap, "like this," ; when Daoud saw how simple the request was he twisted the 2nd cap and said, "I overestimated the difficulty." The UCE says, "Yeah. You overestimated the difficulty."

[See Affidavit]

And UCE was right. It's really easy to get someone's fingerprints.



And it's really easy to tamper with Audio recordings. Especially for the FBI. Shift of Blame

Daoud didn't "walk toward UCE in an alley." He followed him. "UCE: So I'm gonna walk over there and then I want you to just drive and follow me over there [to the bar] and then you can park the car in the uh, by the Cactus Bar and Grill. Then I'll wait for you on the corner ~~so~~ we can walk back together

DAOUD: Okay

[See UCE audio transcript, at UC\_004 PART 4.pdf, 9/14/2012]

When was this ever Daoud's plan? Why is Daoud "being essentially led around by the agents? You follow the leader. The leader doesn't follow. Why was Daoud following the Agent?

When was this Daoud's plan? Only on 9/14/2012 and court proceedings. 7/17/2012 (Meeting 1)

"UCE: ... because I'm gonna tell ya.... you know, one of the things we like to do is we like to do something in America."

[See UCE audio transcripts, at Id, pg. 105 LN 42-44]

"DAOUD: I'm just saying if you need something that big.... like okay."

[See UCE audio transcripts, at Id, pg. 112 LN 29-30]

This was when he said the UCE and his associates could crash 20 flying cars with bombs inside into the Pentagon. The prosecutor and UCE used that as proof that he came up with the car bomb first, and was planning a car bombing the whole time [See UCE's note at UC\_002 PART 2.pdf, last page] [See 2019 Sentence Trans. pg. 462 8/6/2012 (2nd meeting) LN 0-2] ~~(0-2)~~

"UCE: We would do it together, brother."

[See UCE audio transcripts, at Id, pg. 196 LN 29]

"UCE: You , you and I will do it together... "

[See UCE audio transcripts, at Id, pg. 197]

"UCE: I want for us to get away."

[See UCE audio transcripts, at Id, pg. 176]

8/23/2012 (3rd meeting)

"UCE: Yes and you have to, you have to see it as well. You have to... cuz you're gonna help me with this

[See UCE Audio transcripts, at Id, pg. 360 LN 39-41]

"UCE: We have to plan, brother."

[See UCE audio transcripts, at Id, pg. 371 LN 43]

9/5/2012 (5th meeting)

"Daoud:... Insha Allah, I, I , do more next time, cuz I didn't do that much. you know

UCE: Insh [i.e. Insha'Allah - he was about to agree] - well you, you brother you did a lot. you helped with, you, you picked the right place. You picked the target for us. You got the pictures...

Daoud: yeah

UCE: That helped a lot. Showed me the pictures and <sup>where</sup> ~~where~~ we can park the car. You know that was a big help... Uh I mean, you've done a lot brother (End Clip A 17:50:49)

GPS: Approaching destination. On the left Harrison street

Daoud: So

UCE: No, you did --- I mean the hard part is tryin to find a good target. You got a good target for us. And you got...

Daoud: I don't know how you make a bomb in secret (laughs) I think that sounded pretty hard

[See UCE audio transcripts, at Id, pg. 556 LN 19-44, pg. 557



LN 1-3]

"UCE: I need brother~~4~~; like you helped with like you said okay, you knew a good place the Cactus Bar and Grill. You found that. You drove over there and you saw a good place to park the car. Right? You took pictures. Like I couldn't do that stuff. I live in New York. I can't travel to Chicago, LA, and Miami and do all that by myself. It would be impossible. And it's hard to find a trusted brother. I can't just pick the phone or go to Masjid and say hey brother who wants to help me, you know...

[See UCE audio transcripts, at Id, pg. 583 LN 1-14]

"UCE: Cuz I couldn't do this~~4~~ without you, brother. I can't do this alone. I'm just one person. You know

[See UCE audio transcripts, at Id, pg. 595 LN 10-13]

9/14/2012 [Final Meeting]

"UCE: This~~4~~ is great. Your plan is excellent brother."

[See UCE audio transcripts, at Id, pg. 624 LN 40, 41]

UCE met Daoud in the masjid [IFS at villa park]. In that meeting and every other meeting, ~~every form of communication~~ UCE wants Daoud away from the Masjid, away from everyone, to speak with him. Daoud wanted to talk inside or right outside the masjid.

Why the secrecy?

"UCE: ... that's why I didn't wanna talk too much at the ~~masjid~~<sup>masjid</sup>, I didn't want... people to see us together. Cause then people would ask you, who's that brother who's that brother?

[See UCE audio transcript, at Id, pg 96, LN 11-12, LN 16-18, 7/17/2012]

"UCE: I know. I want to make sure nobody see us. You ~~know~~<sup>know</sup> what I mean?"



[See UCE audio transcripts, at Id, pg. 202, 8/6/2012]

"UCE: Stop drawing the attention to yourself... you can't afford that"

[See UCE Audio transcripts, at Id, pg. 209, 8/6/2012]

"UCE: ... I don't want um, I don't want people to you <sup>know</sup> ~~know~~ to see us together. I don't want you to get in trouble..."

[See UCE audio transcripts, at Id, pg. 323 LN 12-14, 8/23/12]

"A No the plot -- we had no plot. Just to be clear, the FBI, myself as the undercover, we had no plot."

[See UCE's testimony, 2019 Sentencing transcripts, pg. 394 LN 24-25, "Mudafar" cross by Durkin]

By UCE's own admission,

"This is by design we do not want to teach jihadist how to build a bomb! Or planning an attack!"

[See UCE's not on UCE audio transcript, UC\_004 PART 4. pdf, pg. 556, 9/13/12]

And Daoud admitted,

"O my God yeah I mention things like that or killing in front of my parents they back up the peaceful Islam train LOL my God if i did ANY kind of operation here they would pass out HAHHAHAHA mannnnnnnnnnn!!!!!! i know what you mean! I mean even going to Jihad overseas my mom is <sup>worried</sup> ~~worried~~ dat i will go."

[See Daoud's Youtube letter to OCE "Salah", IDFBI\_001-000134.pdf, 7/13/12]

He was going to be my helper

"Q He was going to be your helper and you were going to do it; correct?

A He was going to be my helper and we were going to do it.

[See UCE's testimony, 2019 Sentencing Transcripts, pg. 398 LN 2-4, "Mudafar" cross by Durkin]

This isn't complicated if we think about facts. This was an operation. Someone planned it. There were only 2 parties: Daoud and the FBI. ~~These are the only possibilities~~ There are only these possibilities:

1. It was Daoud's plan. The FBI caught him
  2. The FBI and Daoud planned this together. Then in that case, the FBI needs to be co-defendants in this case. Unless nobody really did a crime
  3. Daoud was helping UCE with the FBI's plan. They set him up.
- "He was going to be my helper"

Motives of the U.S. government

1. The FBI was looking for people to lock up who think like Daoud, and share his "ideology." Daoud calls that ideology Islam, and calls himself a Muslim. He also called himself a terrorist out of loyalty to Muslims and verse 8:60 of the Quran. The FBI described him and his beliefs as "Conservative Islamic", "Islamic Extremist", "Sunni Extremist" [see Affidavit] or "Radical Jihadist."
2. The FBI wanted to stop Daoud from "Radicalizing"/"Recruiting" others, especially young people, to support Jihad

"In brief summary, DAOUD has expressed his desire to commit Jihad, die a martyr, and radicalize individuals to commit Jihad to both OCEs"

[See FBI report, 302\_002-000097.pdf, 9/7/12]

"The overall objective is to disrupt Daoud if he is planning an attack and to dismantle any further recruiting of other individuals"

[See FBI report, 302\_002-000032.pdf, 7/18/12]

"UCE: But you could do some stuff right?

Daoud: Like what?

UCE: I don't ~~know~~ <sup>know</sup>, like, like you know, you ~~know~~ <sup>know</sup> there's not a lotta brothers who believe in Jihad like you do

Daoud: The only thing I really do is talk to people, convince people...

UCE: Well that's good

Daoud: Pretty much ship them overseas

UCE: Okay, so that's recruiting our brothers

Daoud: yeah

UCE: ... that believe in Jihad

Daoud: Yeah. I mean I do that all the time. In terms of like ~~actual~~ <sup>actual</sup> physical like against the kuffar (i.e. disbelievers) things like that I can't ..."

[See UCE Audio transcript, UC\_004 PART 4.pdf, pg. 334 LN 13-44, pg. 335 LN 1-13, 8/23/12]

And Daoud considers telling people about Jihad as Dawah (propagating ~~others to~~ Islam] because Jihad is part of Islam. The FBI is aware of this

"... Please continue to post nasheeds on yahoo. They are a great Daawa and propaganda tool... the Kuffar (disbelievers) are very active on youtube to discredit Jihad and Islamic clips

[See email from OCE "Salah" to Daoud, IDFB1\_001-000012.pdf, 5/14/12]

"encouraging muslims to go for Jihad is dawah"



[See youtube letter, Daoud to OCE "Iyad" , IDFBI\_001-000062.pdf, 6/4/12]

"but my love for Jihad i think came from the Quran , the Seerah (Life of the prophet, may Allah bless him and grant him peace) the sahaba (his complanions), and then some other stories of jihad."

[See Youtube letter, Daoud to OCE "Salah", IDFBI\_001-000112.pdf, 7/3/12]

3. The FBI did not want to risk Daoud becoming a shaykh [Islamic scholar] supporting the mujahideen.

"I sent the last of the stuff to go to madina insha'Allah in ju~~st~~ waiting for them to accept me insha'Allah [if Allah will~~s~~]. the mujahideen [those who fight in jihad] need scholar~~s~~ more than anything, and that's my honest opinion."

[See youtube letter, Daoud to OCE "Iyad", IDFBI\_001-000121.pdf, 7/9/12]

"DAOUD al~~so~~ expressed an interest in traveling to Saudi Arabia for further education and then to Yemen, Iran, Afghanistan, Pakistan, or Africa. DAOUD showed an interest in al - Shabaab and stated he supported the mujahideen in Yemen."

[See 4th FBI Report, 302\_002-000011.pdf, 6/20/12]

"The defendant talked about wanting to go to school in Medina, but he al~~so~~ talked about wanting to go to school to become a sheikh for the mujahideen."

[See Barry Jonas, AUSA, 2019 Sentencing Transcript, pg. 465 LN 13-16]

Jihad comes from Islam, and so their third motive here directly ties to the first 2 motives

"The third goal is to stop Daoud's recruiting of younger individuals." [See FBI report, 302\_002-000032.pdf, 7/18/12]

"The defense doesn't address and cannot address is that the defendant was trying to recruit other teenagers to commit Jihad." [See AUSA Barry Jonas, 2019 Sentencing transcript, pg. 465 LN 10-13]

And at the end of the day Daoud is to blame for how he understood Islam and Islamic law concerning warfare,

"He came to this belief on his own. As he told the OCEs and the undercover, he researched. He read books. He viewed bin Laden videos. He viewed Awlaki videos about killing Americans. He read Inspire Magazine, which he said inspired him."

[See AUSA Barry Jonas, 2019 Sentencing transcript, pg. 460 LN 10-40]

And the first book was the Quran.

Part 2: the Persuasion



PART 2

Legal

## Inducement-Definition

"the fact that government agents initiated contact with the defendant, suggested the crime, or furnished the ordinary opportunity to commit it is insufficient to show inducement. Inducement means government solicitation of the crime plus some other government conduct that creates a risk that a person who would not commit the crime if left to his own devices [771 F. 3d 435] will do so in response to the government's efforts. The "other conduct" may be repeated attempts at persuasion, fraudulent representations, threats, coercive tactics, harassment, promises of reward beyond ~~that~~ <sup>that</sup> [2014 U.S App. LEXIS 44] inherent in the customary execution of the crime, pleas based on need, sympathy, or friendship, or any other conduct by government agents ~~that~~ <sup>that</sup> creates a risk that a person who otherwise would not commit the crime if left alone will do so in response to the government's efforts."

"In Sorrells the Court found that an entrapment instruction was warranted even though the defendant was promised no extravagant profit for obtaining alcohol for the undercover informant; the informant's persistent appeal to military camaraderie qualified as a potentially entrapping inducement. 287 U.S. at 441."

"because the government's solicitation of the crime was accompanied by subtle and persistent artifices and devices that created a risk that an otherwise law abiding person would take the bait." [See quotes taken from US v. Mayfield, 771 F. 3d 417; 2014 U.S. App. LEXIS 21525 No. 11-2439]

"the government not only excited the farmer's interest in sexually explicit materials banned by law, but also exerted substantial pressure on him to obtain and read such materials as part of

infringement  
that

a fight against censorship and infringement of individual rights; and (3) Congress had not intended ~~that~~ the detection and enforcement processes of § 2252(a)(2)(A) should include instigation by government officials of an act on the part of persons otherwise innocent in order to lure him to its commission and to punish them."

"As was explained in Sherman, where entrapment was found as a matter of law, 'the Government [may not] pla[y] on the weaknesses of an innocent party and beguil[e] him into committing crimes which he otherwise would not have attempted.'" Id, at 376, 2 L Ed 2d 848, 78 S Ct 819"

"Criminal Law ss 21 - entrapment - government artifice and strategem 29,26... artifice and stratagem may be employed to catch those < \*pg.178 > engaged in criminal enterprises; however, government agents may not originate a criminal design, implant in an innocent person's mind the disposition to commit a criminal act, and then induce the commission of the crime so that the government may prosecute.' Annotation p.703, infra"

"After finding Jacobson's name on the bookstore mailing list, two Government agencies sent mail to him through five fictitious organizations and a bogus pen pal, to explore < \*179 > his willingness to break the law."

[See quotes taken from Keith Jacobson vs. United states, 503 US 540, 118 L Ed 2d 174, 112 SCT 1535]



## FBI and Prosecutors understood Inducement

The FBI and prosecutor<sup>5</sup> were clear that predisposition is the plan, and the FBI can only catch Daoud and arrest him for his plan; They did not talk him into this. He was doing it. We stopped him.

Either the accused was induced or he was predisposed. Either you caught him or you persuaded him. You can't have it both ways.

"Chicago's intent is to use the cousin developed by OCE [Redact!] to introduce UCE - [Redact!] in an attempt to reveal DAOUD's aforementioned 'realistic' idea."

[See FBI report 302\_002-000018.pdf, 7/16/12]

"Car bomb right? He [Daoud] is confirming the use of car bomb not agreeing. Confirming means it has been his idea/intention all along. Agreeing means he is acknowledging."

[See UCE's comment at UC\_002 PART 2.pdf, last page on sticky note copy]

So UCE didn't bring up the car bomb or talk Daoud into using one because Daoud was planning to use one all along.

"UCE:... and he says well are you are you putting any pressure on him to do this? He asked me this and I said no, no sheikh, I don't , you know, I don't want, I'm not putting any pressure on him."

[See UCE Audio transcripts, UC\_004 PART 4.pdf, pg. 316, 8/23/12]

"UCE: You can't like convince somebody."

[See UCE Audio transcripts, UC\_004 PART 4.pdf, pg. 317 LN 7, 8/23/12]

"UCE: ... so he wants to make sure you're not being pressured by anybody"



[See UCE Audio transcripts, at Id, pg. 319 LN 32, 8/23/12]

"UCE: ... and I can tell him that we're not putting any pressure on you , right? okay. Do you understand that cuz he doesn't wanna do that , he doesn't wanna force you to do something you don't wanna..."

[See UCE Audio transcripts, at Id, pg. 319 LN 18-28, 8/23/12]

"UCE: ... I just want to make Bure that like - I didn't pressure you to do Something here becauBe..."

[See UCE Audio transcripts, at Id, pg. 467, 9/5/12]

"MDFR: i understand. anyone involved must not feel pressure  
10:54:04"

[See UCE skype chats with Daoud, UC\_003 Part 3 pg. 64, 8/19/12]

"Q You're kidding, right?

A No. My job as the undercover is not to tell the subject what to do or what it is I want to do, but rather collect intelligence on what the subject would like to do."

[See UCE's testimony, 2019 Sentencing Transcripts, "Mudafar" cross by Durkin, pg. 358 LN 7-17]

"The government did not induce the defendant to try to kill hundreds of pepole in a terrorist attack. It did not persuade, threaten, or harass the defendant. Nor did it offer him any reward or appeal to his humanistic side to induce him to commit the attack."

[See Government Sentencing Memorandum, 2019, Doc #329 , Filed 4/26/19, pg. 16 of 60, pageID #:2987]

FBI and Prosecutors redefine inducement

The way they do this is by redefining predisposition to being predisposed to Jihad. This is easy to see in UCE's testimony.

Here he equates Jihad as a car bomb,

"A ... Referring to the car bomb or Jihad"

[See UCE's testimony, 2019 sentencing transcripts, pg. 327 LN 14]

"THE WITNESS: ... If there is predisposition to do something, and in this case a jihadist act, which Mr. Daoud expressed to me in my several meetings with him"

[See UCE's testimony, 2019 Sentencing transcripts, pg. 350,351]

A "Jihadist act" and a bomb is not always the same thing. A person can use a bomb without it being for Islam, and a person can wage Jihad without using a bomb.

Whenever the Government denies inducement, they deny it on the basis that no body induced Daoud to believe in Jihad, therefore he's guilty.

"He wanted to kill Americans because he believed they were <sup>Disbelievers</sup> kuffar. He came to this belief on his own. As he told the OCEs and the undercover, he researched [i.e. Religious texts and religious opinions based on them]. He read books. He viewed bin Laden videos. He viewed Awlaki videos about killing Americans. He read Inspire Magazine, which he said inspired him."

[See Barry Jonas, 2019 Sentencing transcripts, pg.460 LN 9-14  
Prosecutor/AUSA conclusion]

The final ultimatum UCE gave Daoud so he wouldn't walk away was: We only want you to come if you believe in Jihad. Daoud, to be a Muslim, has to believe in Jihad because it's part of



Islam [the Quran and Sunnah]. The Quran is the literal word of Allah. Not believing in Jihad is not believing in Allah. Denying "violent Jihad" is denying Muhammad as Allah's final Messenger, may Allah bless him and grant him peace. *See Affidavit*

UCE told Daoud to only come if he was really Muslim. UCE said: Do you believe in Jihad? Only come if you believe. Daoud said: Yes I believe.

"He keeps telling the defendant my sheikh wants to know that Jihad is in your heart. Is it in your heart, and the defendant keeps saying yes, it is. I mean, I'm -- obviously paraphrasing. But multiple times the defendant says yes, it is. "

[See AUSA Barry Jonas, 2019 Sentencing Transcripts, pg. 462 LN 16-20]

"A My response to Mr. Daoud is my sheikh also wanted to make sure that this is something in your heart Jihad is not something that others can force on you or put pressure on you. He wants to make sure you have no doubt in your heart.

Q How does he respond?

A He writes back, you can tell him how I reacted when you said we cannot do it in Ramadan."

[See UCE's testimony, 2019 Sentencing Transcripts, pg. 325 LN 18-24]

"It's whether the individual, Mr. Daoud in this case, wants to follow through, and if it's in his heart to perform Jihad."

[See UCE's testimony, 2019 Sentencing transcripts, "Mudafar" direct by Ardam, pg. 350 LN 20-25]

"Well, let's just stop right there. There's quite a bit of a difference between having the predisposition to commit Jihad than



there is to commit a Federal offense, isn't there?

A It's only a religious difference in his mind..."

[See UCE's testimony, 2019 Sentencing Transcripts, pg. 384, "Mudafar" cross by Durkin]

"A GRAND JUROR: So is it considered as enticement or is it considered entrapment?

Q As part of the interactions with the undercover officer or undercover agent, did the undercover agent provide opportunities for Mr. Daoud to not be a part of the bombing?....

A The undercover wanted to ensure that Mr. Daoud did not feel pressured and that he wanted to be part of this, and it was brought up several different times that he would make sure that you believe in your heart, Mr. Daoud said yes, I do believe it ["it" they meant, was Jihad]"

<sup>Agent</sup>  
[See Jeffery Parsons in front of the Grand Jury GJ\_001-000001.pdf, pg. 15]

"UCE:... and he says ,well are you are you putting any pressure on him to do this? He asked me this and I said no, no Sheikh, I don't you know, I don't want, I'm not putting any pressure on, on my brother to do this. And he wants to make sure that he the sheikh is not pressuring you , that I'm not pressuring you. Cuz you know in Islam you can't force anybody.

Daoud: Right

UCE: This has to be in your heart, especially Jihad. You <sup>know</sup> ~~know~~ it's in your heart. It's something you believe in. It's something you either believe in or you don't."

[See UCE Audio Transcripts, UC\_004 PART 4.pdf , pg 316 LN 28-45, pg. 317 LN 1-3, 8/23/12]

The UCE solicited the terror plot

"UCE: (UI) month of Ramadan (UI)

Daoud: (UI) Yemen (UI) you hear 12,000 hadith?

UCE: Yeah... I have brothers in <sup>yemen</sup> ~~Ymen~~ we travel to <sup>yemen</sup> ~~Ymen~~

Daoud: somehow give me contact info

UCE: ok

Daoud: (UI) brother~~s~~ in Yemen

Daoud: if you use contact info

UCE: you can't go by yourself cuz you go by - no body's gonna trust you - they're gonna think you're shia eh uh uh uh FBI or something like that you can't go by your~~s~~elf

Daoud: Insha'Allah I'm able to Madinah to school (UCE:yeah) and afterwards, I mean it's right there. but someone told me there are shia in between , you know what I mean

UCE: Like when the first time I went to Afghanistan, I at first went to Yemen, and I had people who who told the many brother~~s~~ that I was coming

Daoud: yeah

UCE: and they help me study a little bit and then from Yemen I went to Pakistan and Afghanistan

Daoud: yeah

UCE: that's the proper way to do it , yes

Daoud:yeah

UCE: So if you want to travel to Yemen I can go with you, I have people there, there, we have places we go to and I trust those people. You cannot go by your~~s~~elf

Daoud: Right

UCE: they're gonna hurt you. You know. What are doing by your~~s~~elf.

All of a sudden coming from America to Yemen. But, because I know people there, because I travel there, yes, if that's something you'd like to do... of course I can help you with that brother. Like I said, during this month of Ramadan that's something that I want you to think about.

Daoud: yeah

UCE: What it is you want to do, you know?

Daoud: The only reason I, I have to think about that, it's gonna take a lot of planning (UI)

UCE: ... Yeah

Daoud: But, I was thinking like... you know I'm starting to hate this country (laughing). (UCE: yes) You know what I mean, I, I can't help but all the time I'm reading, especially Inspire. Mashallah, it does inspire me

UCE: It does, yes, absolutely

Daoud: You know they talking bout uhm... you know what things you could do here, you know?

UCE: We can, you know the... one of the reasons I came back to the U.S. just a couple months ago was because, since the Americans are leaving. We wanna make sure they leave...

Daoud: and stay gone

UCE: ... And, and stay gone, and you want 'em to leave with disgrace, with dishonor as losers

Daoud: yeah

UCE: And, please don't tell anybody this brother...

Daoud: yeah, yeah, yeah, okay

UCE: ... because I'm gonna tell ya... you know, one of the things we like to do is we like to do something in America ..."



The UCE asked Daoud to think about what he wants to do for Islam/Jihad during the month of Ramadan. This is the first meeting . He keeps repeating that, think during the month of Ramadan... Daoud ends up asking for contact info for Muslims brothers involved in the Jihad in Yemen. UCE says sure - I'll help you go there.

Daoud says he has to think about it. Remember his post cited in his criminal complaint, 5/29/12 on dinhaqq.info, he stated that he personally thought after reading Yemen's based Inspire magazine, that it would be easier and more rewarding to fight with the Mujahideen in Yemen than to do a terrorist attack in America to support Islam and Jihad.

He said going to Yemen, going there, would be easier and more rewarding, but when UCE says he could help him go there, he says he has to think about it. When Daoud mentioned Inspire's ~~other~~ other suggestion to do attacks in the west, UCE latches on that and solicits him; even though by UCE's admission Daoud talked about these things a lot.

"UCE: We thinking of Chicago we're thinking maybe parts of Los Angeles a big city but again--" ~~UCE~~

"Daoud: If you need ideas, I'm I, I, I think about ideas but I don't like have anything like you know what I mean?

...

Daoud: I think, come up, give me some ideas or something [Daoud's repeating the UCE's request]

UCE: Yeah and just write down some of your ideas

...

UCE: no no no write it down on paper and then you can give me your ideas and really our goal is to do something in Chicago or LA

Daoud: I think I wanna go overseas I wanna go overseas but I want to do something here at the same time because

UCE: before we leave - yes! cuz i want them to

Daoud: but I don't want to be so open they take me before I can

Daoud says he has to think about t



go alright [i.e. he's talking about not doing a terrorist attack because it would get him arrested and stop him from traveling] .... [He brings up flying cars]

Daoud: Kinda like a video game when you [UCE: ahhh!] put the flying car cheat

UCE: Uh huh...!

Daoud: Allah Alim [Allah knows best]. But if you have to come up with an idea for example, like 9/11 was planes (UCE: yes...) planes kinda expensive (UCE: yes...!) kinda hard to hijack (UCE: I know I know...!]

Now this might be expensive the flying car but I'm very sure that it it's less expensive than a <sup>plane</sup> ~~plan~~. All you need to get it is a pi pilot license (UCE: yes...) and a car license maybe and to buy, like you can probably get like like 20 of those and like hit it to like where ever buildings you want

UCE: In Chicago you think?

Daoud: It I'm not saying which place I'm just saying if you have a target like for example like the Pentagon or something like that (UCE: yeah...!) if you have a target in general any target ok then you can get 20 of those it'll be much cheaper than getting like 5 airplanes ok or jets or whatever right and and you you could just put better like bombs there and you you could totally do that (Yeah...! /UCE) It's an idea but obviously probably try the the car first before actually doing anything (laughing)

UCE: yeah I think, or just try a regular car before we try (a flying car) (Daoud: Well I mean obviously)

Daoud: the people who know like I'm assuming that the people going inside know how to use a car and a plane. They should know

how to fly a plane and know how to fly a car.

UCE: Uh uhh um it might be a little suspicious<sup>5</sup> if you had something like that. You know what I mean <sup>because</sup> ~~because~~ it would stand out. I mean that's an idea. Think of about other ideas that maybe that we can that would be maybe less expensive

Daoud: I'm just saying if you need something that big. Like ok.

[Quotes written by writer, from audio file 7-17I.WAV , 1:37-5:02, 6:34-8:19, government exhibit, first meeting clip of 7/17/12]

The prosecutor said about this, "Flying cars<sup>5</sup> is<sup>5</sup> not crazy or ridiculous<sup>5</sup>. They are real.... the defendant talked about putting bombs in flying cars<sup>5</sup> and the UCE switched it when the defendant talked about bombs and cars<sup>5</sup> and made it a car bomb. Then they went from there."

[See AUSA Barry Jonas, 2019 Sentencing transcripts, pg. 464 LN 13-16]

It's worth listening to the Audio to fully understand this. The parts I put in ( ) here are parts where UCE and Daoud are talking at the same time, Daoud is talking very quickly and UCE has been listening to mostly Daoud for over an hour. Through the conversation, unbeknownst to Daoud, the UCE is<sup>5</sup> moaning and groaning out of frustration. Even once in the transcript it says "loud traffic" but it was just the UCE's anger. You get a better idea about his thoughts from his<sup>5</sup> notes about the same meeting.

Quotation marks are UCE's notes:

"I'm walking away, listen to audio for sound of key..."

Daoud: I just, uh just text me man

UCE: Okay I'll text you brother

[See UCE audio transcripts with notes, UC\_004 PART 4.pdf, pg.



93]

"saying goodbye. Walking away!"

UCE: It was very nice to meet you brother

Daoud: Okay Salam alaykum

[See UCE Audio transcripts, at Id, pg. 97 LN 28-30]

"Walking away? Sound"

[See UCE Audio transcripts, at Id, pg. 98, this is why a lot of the audio is muddled at this part because he was about to get up and leave several times and it messed with the recording device]

"Walking away. Walking away."

UCE: Thank you brother, it's very nice to meet you brother (UI)

Daoud: Okay

UCE: Just think about , think about during the month of Ramadan where you like to be...

[See UCE Audio transcripts, at Id, page 102]

Then UCE's first solicitation of the actual plot is on page 105 of the cited transcript. Be honest when you answer the following question. Based on the information just cited, do you think:

A: The FBI caught Daoud confessing his plan. He was going to buy 20 flying cars, fill them with bombs with his friends, and crash them into the Pentagon. The UCE just switched it to a regular car bomb and helped arrest him

or

B: Daoud talked "90% of the time" for almost 2 hours to someone he really thought was friendly because -- he wanted to talk to somebody? Then the UCE got mad when he talked too much and rushed to solicit him? 7



UCE solicits car bomb idea to Daoud, and won't accept guns

The next meeting was on 8/6/12. Daoud doesn't come up with ideas about how to actually do an attack. He gives UCE a list of targets, most of them in Chicago [See UL 8-6 NOTE] because UCE emphasized Chicago as being a place of interest. He talks about the targets. His ideas. That was it, or so he thought See Affidavit

UCE: So do you think brother... that you can help me with these [the targets] with the...

Daoud: I will try uh... I want to go after this. Right after this Ramadan, Medina. I'll be outraged [i.e. if i don't go] I wanted (uI) . The mujahideen need scholars and I thinking like in between like them... I could talk to people and give Dawah to people where I am

UCE: Right

Daoud: and I could also schedule attacks like I , I come here uh, I'm supposed to be here at least like uh, one fourth of the year.. it's like 3 months

UCE: yes

Daoud: and I can , if I could get away with it... I could, I could do something here and then go back overseas and go and come back and forth. You know what I'm saying?

UCE: yes

Daoud: I could do that. I could give Dawah to some brother. I could help them and what to do next. You know what I mean?

UCE: Would you want to... would you want to do something before you go to Medina in Chicago?

Daoud: Man, that would be amazing, but uh, I, you <sup>know</sup> ~~know~~ it's like what's my role? you know I don't , I like I have a lot of

weaknesses. I don't know how to use a gun. I want to but the (UI) is supposed to help me. He's really been procrastinating (laughing) so uh , masha'Allah [Allah has willed] I mean [See UCE audio transcripts, UC\_004 PART 4.pdf, pg. 194-195 LN 1-8, 8/6/12]

"Daoud: The thing is I don't mind <sup>that</sup> ~~that~~ much as long as it's something uh, under like my capabilities. You know it's very small capabilities right now.

UCE: We would do it together brother

[See UCE audio transcripts, at Id, pg. 196 LN 24-30, 8/6/12]

And then UCE pushes for the bomb.

"UCE: The other option is as you said, is to go with guns that uh, you know, shoot people, kill people with the guns, but then there's a chance that we might get captured

Daoud: The thing is... I think the best way is uhm, the guns is more hard to get away with. Unless you use a sniper.

UCE: Uh huh

Daoud: You have more of a chance of getting away. But uhm, yeah I mean get snipers go from far away, and you keep them where you can see them, and go to where they graduate. But they wouldn't hear you say Allah akhbar, and that's a problem

UCE: I know that's the problem

Daoud: No uhm... I think the easy but uh, if you get a bomb. I don't know , uh, this is the thing... that's why I need your help. I have no idea how to do an operation and get away with it.

UCE: I can if you still want to do a bomb operation, I can build a bomb?



Daoud: ...obviously make the plan first then start proceeding.  
You know what I mean?

UCE: Yes, we would have to plan it right. (UI) for example. say, if you want to use a bomb. For example, uh...

Daoud: Well you know even uh... even if you use guns... if you , it doesn't matter like what you do

UCE: But what's our best chance to getting away, right?

Daoud: Uh huh (laughing). I don't like dogs..."

[See UCE audio transcripts, at Id, pg. 221-222, 8/6/12]

They end up talking about cats when UCE brings up the plot again. Daoud "obviously" didn't have a plan at this point (see above).

"Daoud: But uh, my friend, uh, I was at his house... he used to ... he used to abuse his cat man. He threw his cat at me. He threw it. Alright, and uh , it tried to uh, you know, not fall down, but it scratched me. Uh, I forgive the cat because it was a necessity. Okay, you know. This scratch was like that. Little like that

UCE: Little bit, huh?

Daoud: just that, I'm like whoa, that's nothing. Why are people hating cats for? Why you think they're so innocent. They didn't do anything. This thing can't hurt you. These regular white scratch started turning red. Puss started coming out, and then my hands started getting swollen

UCE: swollen, whoa oh

Daoud: I'm like wow. That's why people hate cats... [pg. 101, 8/6/12] ...

~~UCE: (laughing)~~



Daoud: Yeah I was like oh, that's why people hate cats

UCE: (laughing)

Daoud: Like God (UI) Now just imagine if that was in my face.

I'm like (UI)

UCE: Oh, that would hurt

Daoud: Like oh this is nothing. It was, oh my God (laughing)

UCE: That would absolutely hurt

Daoud: Yeah. Oh my God like humdulillah [all praise is due to Allah] it wasn't my face. (UI) me. Yeah, and I uh, hurt this all the time I'm like

UCE: I know

Daoud: yeah

UCE: So from the list of community centers...

Daoud: I have to uhm, I, I really need experience on this. You have to, I think you should pick which places you could really get away with the most...

UCE: (UI)

Daoud: ... the easiest. Like something that's like easy for you a walk in the park. Well, a small park. A big park is kind of a little hard to walk through if you have any... (laughing)

UCE: yes

Daoud: Uh it should be that easy for you, okay?

UCE: I think it it will be and I think if we do this together...

Daoud: Insha Allah

UCE: ... and I could you know, you mentioned a bomb and recruiting center. I could build a bomb, you know, but I need help getting it there, you know what I mean? I can't do it all by myself

Daoud: Get some materials

UCE: No, no... if you could help with the materials I have to , I mean, because some of the materials I have to , you know, see exactly what materials I have and what materials I need. If you could help with getting some of the materials and then if we could see if you want to help. If we do like a car bomb.

Daoud: uh okay

UCE: Car bomb, right?

[See UCE audio transcripts, at print out transcript 8/6/12, pg. 102-104]

Pause. That's where the UCE notes, "Car bomb right? He[Daoud] i<sup>4</sup> confirming the use of car bomb not agreeing. Confirming means it has been his idea/intention all along. Agreeing means he is acknowledging."

[See UCE's note at UC\_002 PART 2.pdf, Last page sticky note] continue.

UCE: Car bomb right?

Daoud: But could you do ~~that~~ <sup>that</sup> without like staying inside of it?

UCE: Yes, cause we would...

Daoud: or you could park it and go somewhere

UCE: yes. That's what we'd do so we need help

Daoud: I want, I want to borrow your your car for a day. Hey where you going

UCE: No

Daoud: (laughing) (UI) I'll bring it back it a few days

[See UCE audio transcript, at Id, pg. 104, 8/6/12]

"Q Let's talk specifically then about whose idea it was to come up with the car bomb. Would you go to the 8/6/12 transcript, page 103

[See UCE's testimony, 2019 Sentencing transcript, pg. 395 LN 11-13, Cross by Durkin, "Mudafar"]

"A: No. No. If you could help with the materials, I have to - I mean because some of the materials I have to, you know, see exactly what materials I have. What materials I need. and if you could help with getting some of the material~~s~~, and then if we do, for example, we could see if you want to help. We - if we do like a car bomb"

[See UCE's Testimony, at Id, pg. 396 LN 6-11]

"Q That's you telling Daoud on August 6th, 2012 that we the FBI, unbeknownst to him the FBI, we, you the terrorist, and your cohorts want his help if we do like a car bomb, correct?

A Yes

Q And then when you mention a car bomb, Daoud says -- and I'm looking at 104 now, the top of the page -- but could you do that without like staying inside of it -- inside it? Isn't that what Daoud said?

A Yes

Q That's how much he knew about car bombs, correct?

A He didn't know he could do it without staying inside of it "

[See UCE's testimony, 2019 sentencing transcripts, pg 396 LN 23-25, pg. 397 LN 1-8]

Compare <sup>that</sup> ~~that~~ to,

"Q and in this meeting isn't it true that he does not want to participate in a martyrdom operation? [also called a suicide mission]

[See 2019 Sentencing transcripts, UCE's testimony, direct by



Ardam, pg. 414 LN 24-25]

" That is correct , yes"

[See UCE's testimony, 2019 sentencing transcripts, pg 415 LN 1-2]

"A GRAND JUROR: Was it ever Mr. Daoud's intention to take his life ~~also~~ with this bomb?

THE WITNESS: No. From the conversations that he had with the undercover he did not want to do a martyr operation."

[See Grand Jury Testimony of Jeffrey Parsons, pg. 15-16, GJ\_001-000001.pdf]

Daoud was planning this attack "all along" ~~using~~ a car bomb; he was predisposed. No body persuaded him to ~~use~~ a car bomb; He was not induced. He did not want to do a suicide attack. He did not know you could ~~use~~ a car bomb without blowing yourself up. That's how we know he was planning to ~~use~~<sup>use</sup> all along. Make that make sense. He was going to blow himself up in a flying car bomb before going to Madinah, Saudi Arabia to study. See. He had Inspire Magazine.

"A Mr. Daoud picked the target and picked the weapon as a car bomb and the date and time of the operation"

[See UCE's testimony, 2019 sentencing transcripts, "Mudafar" redirect by Ardam, pg. 418 LN 21-22]

"Q ... Do you remember the prior questions from both the government and me about the meeting on the 23rd?...

Q Isn't it <sup>in</sup> fact that towards the end of that conversation Daoud told you like, the thing is I don't even know how we started talking about it... you remember that?

A I remember making a comment during that meeting, he doesn't

recall the exact moment where we began talking about his plan"

[See UCE's testimony, 2019 Sentencing transcripts, pg. 418 LN  
pg. 404 LN 14-16, LN 18-22, LN 23-25, "Mudafar" cross by Durkin]

MR DURKIN: I'm I'm talking about 8/23/12 transcript page 126

MR. DURKIN: Line 41

Q: Do you remember him saying like like that's the thing. I don't  
know how we started talking about it?

A I remember him saying that, yes, sir.

Q And you said it just happened,

A Yes sir

[See UCE's testimony, 2019 sentencing transcripts, pg. 410 LN  
7-8, LN 10, LN 15-19, "Mudafar" cross by Durkin]

"Q ... All I have is ideas and crazy fantasies. That's all  
I have. He said that to you didn't he?

A He did say that

[See UCE's testimony, 2019 sentencing transcript, pg. 412 LN 13-  
16]

Fantasies are out of reach of the Government  
See ~~pg. 7~~ pg. 7 (Predis)  
of this memo